

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

CRIMINAL NO. 1:CR-01-336-01

v.

TYRONE SMITH, a/k/a "Manny"

ORDER

This matter is before the court on remand from the Third Circuit Court of Appeals for the purposes of resentencing pursuant to *United States v. Booker*, 125 S. Ct. 738 (2005). Resentencing was originally scheduled for May 24, 2005. Following some confusion over Defendant's representation, the matter was rescheduled to May 26, 2005 and later to July 14, 2005. By order dated June 20, 2005, Defendant's trial counsel, Joshua Lock, was permitted to withdraw as counsel for Defendant. Defendant was ordered to either (1) have new counsel enter an appearance by June 30, 2005 or (2) submit a financial affidavit in support of a request for court appointed counsel. Defendant has not complied with either option. Nonetheless, the court is compelled to appoint counsel for Defendant for purposes of the resentencing proceeding. Defendant is advised that if the court determines he is financially able to afford counsel, he will be required to reimburse the court for the cost of appointed counsel.

IT IS THEREFORE ORDERED THAT:

1) Dennis E. Boyle, Esquire, 1525 Cedar Cliff Drive, Camp Hill, PA 17011, telephone number 717-737-2430, is appointed to represent Defendant for purposes of resentencing.

2) The Clerk of Court shall prepare the appropriate paperwork and forward it as soon as possible to attorney Boyle.

3) The resentencing proceeding scheduled for July 14, 2005 is **rescheduled** for Thursday, July 28, 2005 at 2:00 p.m. in Courtroom No. 3, Eighth Floor, Federal Building, Third and Walnut Streets, Harrisburg, Pennsylvania.

4) No later than noon on July 26, 2005, counsel for Defendant shall file a statement setting forth the issues he intends to argue at the resentencing proceeding.

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge

Dated: July 6, 2005.